

Applicant: JOHNSON *et al.*
Serial No: 09/667,693
Filing Date: September 22, 2000
Page: 6 of 7

REMARKS

In response to the Final Office Action mailed **April 16, 2012** (hereinafter "Final Action"), no claims have been amended, cancelled, or newly added. Therefore, claims 1, 2, 4-7, and 9 remain pending. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

37 C.F.R. § 1.173(c) STATEMENT

A. STATUS OF THE CLAIMS

Claims 1, 2, 4-7, and 9 are pending in the application.

Claims 3, 8, and 10-20 are cancelled.

More particularly:

- claims 1, 2, 7, and 9 of U.S. Patent No. 5,812,249 have each been twice amended;
- claim 5 of U.S. Patent No. 5,812,249 has been amended one time;
- claims 3 and 8 of U.S. Patent No. 5,812,249 were *previously* cancelled; and
- claims 10-20, which were newly added in the Preliminary Amendment filed on September 22, 2000, were *previously* cancelled.

B. DESCRIPTION OF (AND SUPPORT FOR) CLAIM CHANGES

By this Amendment, no claims have been amended, cancelled, or newly added.

REJECTIONS UNDER 35 U.S.C. § 251

Claims 1, 2, 4-7, and 9 stand rejected under 35 U.S.C. § 251 as allegedly being based upon a defective reissue oath/declaration. In particular, the Examiner alleges that the "Supplemental Reissue Declaration Under 37 C.F.R. § 1.175" filed on November 16, 2010 is defective because it "...does not specifically list all amendments filed subsequent the original oath" [Final Action, pg. 2].

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Filing Date: September 22, 2000
Page: 7 of 7

Applicant disagrees with the propriety of the alleged rejection. Nonetheless, solely in an effort to expedite prosecution, a Supplemental Reissue Declaration is being provided herewith. The supplemental Reissue Declaration references the amendments made on: (1) September 22, 2000; (2) January 22, 2008; (3) May 5, 2009; and (4) November 16, 2010.

No claim amendments were presented with the Responses filed June 24, 2011 and January 13, 2012. In view of the foregoing, withdrawal of the rejection of claims 1, 2, 4-7, and 9 under 35 U.S.C. § 251 is earnestly sought.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: October 16, 2012

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